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# WHILE TRUMP WAS SECRETLY LOADING UP DOCUMENTS, MIKE ELLIS WAS HOARDING AN NSA DOCUMENT AT THE WHITE HOUSE

## WHILE TRUMP WAS SECRETLY LOADING UP DOCUMENTS, MIKE ELLIS WAS HOARDING AN NSA DOCUMENT AT THE WHITE HOUSE

February 11, 2022 / 33 Comments / in 2020 Presidential Election, Leak Investigations / by emptywheel

The WaPo continues to own the story of the Archives' efforts to reclaim documents removed from the White House by Donald Trump. Yesterday, they reported [<https://www.washingtonpost.com/politics/2022/02/10/trump-records-classified/>] that some of the documents Trump absconded with were marked as classified, including Top Secret.

Some of the White House documents that Donald Trump improperly took to his Mar-a-Lago residence were clearly marked as classified, including documents at the “top secret” level, according to two people familiar with the matter.



about why the materials were taken out of the White House.

While it was unclear how many classified documents were among those received by the National Archives and Records Administration, some bore markings that the information was extremely sensitive and would be limited to a small group of officials with authority to view such highly classified information, the two people familiar with the matter said.

But the more interesting part of WaPo's latest is a description of Trump packing up boxes without letting his closest aides look at them (I take this to mean the repacking at Mar-a-Lago).

It is not precisely clear who packed up the classified materials at Mar-a-Lago, or how they got there in the first place. Trump was very secretive about the packing of boxes that were retrieved from Mar-a-Lago last month, and did not let other aides — including some of his most senior advisers — look at them, according to people close to him.

As this story has been snowballing, I can't get a detail from the [IG Report](#)

[<https://media.defense.gov/2021/Oct/21/2002877647/-1/-1/1/DODI-2022-002...PDF>] on White House Counsel Mike Ellis' aborted hiring as NSA General Counsel out of my head.



6. In both cases, Ellis was treating NSA information improperly.

#### First Security Incident

An NSA employee received a controlled, classified NSA notebook of documents on January 7, 2021, from a Department of State official who was not authorized to access that information. An initial NSA review further found that several copies of the notebook had been produced without NSA authorization. This event raised concerns that other individuals possessed copies of these sensitive materials without NSA authorization.

*[NSA Deputy Director George] Barnes* told us that “[they] were spending the last week or so of the administration trying to find out who had them, where they were, and trying to get them back into positive control before the administration members left.” NSA officials received information on January 13, 2021, that **Mr. Ellis either created or directed the copying of these notebooks of documents with compartmented, classified information without NSA knowledge, consent, or control.**

#### Second Security Incident

On January 8, 2021, **an NSA employee tried to retrieve an NSA document from Mr. Ellis that contained information of a classified, controlled, compartmented NSA program “of some of the most sensitive information that NSA possesses.”** Mr.



... sensitive information and the necessary security storage requirements for such a sensitive program. Mr. Barnes told us that he contacted Mr. Eisenberg on January 9, 2021, for help obtaining the document, and the document was returned to the NSA on January 14, 2021. Mr. Barnes said, “**The White House people were all leaving so every day new members were leaving and so we were prioritizing on identifying our documents that needed to be brought under positive control and accounted for.**” [italicized brackets and bold mine]

When Nakasone was asked about this by the IG, he explained that the intelligence deals with a particular foreign actor.

I learned ... that we had questions about the way that Mr. Ellis had handled our most sensitive intelligence **that deals with a foreign actor** when he was in the White House. ... and I’m not able to get the actual full details until that Tuesday [January 19]. ... I’m ... growing concerned... I have an OGC that I’ve said is okay to be hired, now we have concerns about his clearance. We have concerns about merit. We have concerns about an ongoing inquiry by the DoD IG. And so, my sense was ... let’s get this all resolved... before he actually becomes the General Counsel for the National Security Agency. [emphasis mine]



And the NSA's concerns, even then, pertained to the possibility that White House staffers would move on and these documents would disappear.

Update: TF reminded

[<https://twitter.com/thomasafine/status/1492102869885063179>]

me that in December 2020 (so during the period when Ellis' nomination was pending), Mike Flynn and friends came up with a scheme

[<https://www.washingtonpost.com/politics/2022/02/03/trump-nsa-election/>].

to use NSA data to try to prove foreign interference in the election, one that Mike Lindell was trying to implement in January.

The memo used the banal language of government bureaucracy, but the proposal it advocated was extreme: President Donald Trump should invoke the extraordinary powers of the National Security Agency and Defense Department to sift through raw electronic communications in an attempt to show that foreign powers had intervened in the 2020 election to help Joe Biden win.

Proof of foreign interference would “support next steps to defend the Constitution in a manner superior to current civilian-only judicial remedies,” argued the Dec. 18, 2020, memo

[[https://www.washingtonpost.com/context/dec-18-2020-memo/af2cc1eb-730b-4171-bcc8-50bbe07e0ff9/?itid=lk\\_inline\\_manual\\_4](https://www.washingtonpost.com/context/dec-18-2020-memo/af2cc1eb-730b-4171-bcc8-50bbe07e0ff9/?itid=lk_inline_manual_4)], which was circulated among Trump allies.

The document, a copy of which was obtained by The Washington Post, laid out a



[\[https://www.nytimes.com/2017/08/11/us/politics/rich-higgins-memo-national-security-council.html\]](https://www.nytimes.com/2017/08/11/us/politics/rich-higgins-memo-national-security-council.html). from his National Security Council job after claiming that Trump was under attack by deep-state forces including “globalists” and “Islamists.”

[snip]

[North Dakota Senator Kevin] Cramer said Del Rosso sent the memo to his office after a Jan. 4 meeting that both men attended at the Trump International Hotel, which was organized by MyPillow chief executive Mike Lindell, a prominent backer of Trump’s bogus election fraud claims.

Cramer and Sen. Cynthia M. Lummis (R-Wyo.) joined some two dozen others crammed into a ground-floor hotel conference room to discuss election fraud allegations, according to Cramer and an aide to Lummis. Participants recalled that Johnson also attended, via videoconference. The details of the meeting, which took place two days before the attack on the U.S. Capitol, have not been previously reported. The meeting was similar to a briefing held in a congressional office building the next day for members of the House.

Michael Flynn, who resigned in 2017 as Trump’s national security adviser and had advocated using the military to “rerun” the election in battleground states, also extended an invitation to at least one senator and his staff, according to a person

[<https://www.emptywheel.net/2022/02/11/while-trump-was-secretly-loading-up-documents-mike-ellis-was-hoarding-an-nsa-document-at-the-white-house/?print=pdf>]



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**Tags:** [Mike Ellis](#), [Paul Nakasone](#)

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REPLIES

**Tippi's G**

February 11, 2022 at 7:14 am

Is it too much to hope for that the FBI has known about the documents in Trump's possession for awhile and made a run at him with an undercover agent offering to buy some of them from him?

Reply

**DK**

February 11, 2022 at 7:38 am

The FBI put its thumb on the scale for Trump in 2016. Trump should be criminally



e m p t y w h e e l

#LockHimUp

Reply

**bmaz**

February 11, 2022 at 8:44 am

You know that was mostly a certain section of the NYC Field Office, and a bit of timidity and poor judgment by Comey, not the entirety of the FBI, right? And you understand it is mostly the FBI that has been kicking ass on the 1/6 cases, right?

Reply

**Greg Hunter**

February 11, 2022 at 10:41 am

I would contend those actions by NYFBI combined with the coverage by the NYT resulted in Trump and now the stench on the bench.

I hope that getting what the FBI asked for, then getting burned by that choice, has refocused their minds on keeping the guardrails in check proves to be true.

Reply





One faction is the overwhelming majority of the FBI. Institutionalists, nonpartisan, traditional rule of law operators.

The other faction is a substantial minority. Trumpists, key position holders. Oathkeeper members, lying in wait. Transactional handlers of informants.

A similar situation persists at the Justice Department, and this has stalled investigations and indictments.

I agree with Dr Wheeler's assesment overall. I'm just a bit more ready to throw hundreds of Republican Party racketeers in prison. I see the slow progress. I understand the challenges even aside from the lingering backstabbers.

Though I have this opinion, I have not been able to single out which agents or prosecutors fit the minority faction description I have. I just feel its presence from the narrative connecting some outcomes.

If I was Joe Biden, my first national security concern



security realm, and if and how he corrupted the Republican Party with Russian mafia money, followed on with compromise, bribery, blackmail, extortion, conspiracy, racketeering, espionage and grand larceny. And then, I would DO SOMETHING about it.

If nothing continues to happen, then what? All of the evidence just gets ignored? We can just ignore that? Or, Trump was right. No collusion. It's all a hoax?

We need to know the truth, and in my opinion, only indictments, prosecutions and convictions will get us there. And if it really was a media hoax? I have a hard time believing that, but let's see some proof of it then. We have all of this evidence to the contrary and we have bluster, lies and fraud on the other side. We have crimes and widely published evidence of additional crimes to cover up the original crimes.

The longer that we do not have a clear, truthful narrative, the



out of law enforcement at all levels and out of the military as well.

For me, police reform begins with hiring new, diverse, reliable officers, and then kicking out rightwing nutcases. I'm reading stories every day about seditious LEOs who aren't being fired or prosecuted.

Reply

**BobCon**

February 11, 2022 at 9:37 am

99.9% sure no. But I would not be surprised if there was a lot of effort to monitor potential recipients of leaks from Trump and his people and work back from there. Probably mostly in terms of containment but possibly in terms of criminal investigation.

Reply

**xy xy**

February 11, 2022 at 11:41 am

How about WaPo doing what you suggest on their own as maybe only they seem to know a whole lot in the matter.

Reply



this person?

Zirc

Reply

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**Zirc**

February 11, 2022 at 7:39 am

I've decided it's Senator Kevin Cramer of North Dakota, though that's only a guess.

Zirc

Reply

**Hika**

February 11, 2022 at 7:58 am

No guess required if you bother to click the link provided to the WP story and search for "Cramer".

Reply

**Peterr**

February 11, 2022 at 12:09 pm

But if you don't have a WaPo subscription, you can't read the article.

Reply

**emptywheel**

February 11, 2022 at 8:55 am

I've updated. Thanks for pointing it out.



Scott

February 11, 2022 at 8:39 am

This Mike Ellis?

<https://www.nytimes.com/2011/07/03/fashion/weddings/kzaricot-michael-ellis-weddings.html>

Yikes. They must be pretty well connected, getting a color wedding photo story in the NYT; seems odd given his Dad is a telecom employee. ;- ) I know telecom companies couldn't possibly have any intersection with a story on NSA data. Maybe his Mom got him connected; she works "there" as a statistical consultant, which is somewhere, I guess.

Of COURSE the bridegroom went to Yale Law – Mike needs a confidant to give him morally grounded legal advice in these troubling times. Ugh... and who knew Dartmouth was poisoning the well along with Harvard?

Somehow I don't imagine his mother is very proud anymore. Unless his Mom and Dad's occupations are obscuring different interests.

(apologies Rayne if I am using the wrong email)

Reply

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**OldTulsaDude**

February 11, 2022 at 9:50 am

I wonder if this is finally the string that when tugged unravels Gordian's Knot or just another random piece of lint on Trump's suit of armor.

Reply

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e m p t y w h e e l

And I guess I'm kind of asking can Trump just say "oh since I can declassify anything I want whenever I want I can do whatever I want with classified documents"?

Many thanks if anyone knows the answer.

Reply

**Bobby Gladd**

February 11, 2022 at 10:42 am

I'm pretty sure that's how TFG views it. Doing whatever he wants generally is, after all, his entire life's M.O. Ya dance wit' d' one whut brung ya.

Reading Jeremy W. Peters' "Insurgency" at the moment. What a mess (yeah, like we didn't already know)..

Reply

**Rugger9**

February 11, 2022 at 11:16 am

There is a process which hasn't changed from before Shrub's administration (though then-VP Cheney blew off the requirements as the "fourth branch").

Declassification requires the review by and agreement of the issuing department (i.e. NSA) and after that the POTUS can declassify. What Cheney did was to invent the "insta-declassification" pixie dust that allowed Scooter Libby to leak to Judy in



e m p t y w h e e l

Reply

**Greg Hunter**

February 11, 2022 at 12:24 pm

It's a little more nuanced than that which irked Cheney. Bush only commuted Libby's sentence and while we think Trump is dumb, he issued Scooter the pardon. That was a deliberate act in the direction of Cheney and Freudian in his actions he was taking.

Reply

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**Eureka**

February 11, 2022 at 9:55 am

See also via harpie:

<https://www.emptywheel.net/2022/02/07/gaslighting-of-the-obstructive-kind/#comment-920923>

Betsy Woodruff Swan with some related December 16-17, 2020 emails between Flynn and pals.

<https://www.politico.com/news/2022/02/09/trump-emails-voting-machines-election-00007449>

As to where they may have been snipe hunting (besides China, RU as mentioned on twitter):

A second document attached to the Ramsland email contained a variety of



Reply

**Rita**

February 11, 2022 at 10:12 am

The range of possible explanations for both Ellis' behavior and Trump's behavior with reference to national security documents and information range from simple ignorance and incompetence to malign acts.

The various agencies, including the DOJ, should investigate. But shouldn't Congressional Committees dealing with national security be holding hearings to find out what happened and if national security has been compromised?

If I recall correctly, one of the draft memos for seizing machines contained references to 2 highly confidential national security Executive Orders. Clearly, the J6 Committee should be looking at this. But other Committees should be looking at this apparent security breach as well.

Reply

**DrFunguy**

February 11, 2022 at 11:09 am

As they are...

<https://www.reuters.com/world/us/us-house-launches-probe-into-white-house-records-recovered-trump-property-2022-02-10/>

Reply

**BobCon**





There is probably a role for them, but it is a lot more complicated.

Reply

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**DTR**

February 11, 2022 at 12:02 pm

The documents were returned but were they copied? Especially if Jared saw these, I don't think the Trumps would resist monetizing the information.

Reply

**DrFunguy**

February 11, 2022 at 12:17 pm

WaPo reports that materials were copied. And that NSA was hurriedly trying to regain control of all copies of some highly sensitive materials in the weeks prior to the inauguration...

<https://www.esquire.com/news-politics/politics/a39036401/trump-flush-documents-justice-department-investigate/>

Reply

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**earlofhuntingdon**

February 11, 2022 at 12:16 pm

Yes, some documents were returned under pressure and threat of litigation or prosecution. But were they all the



plaintiffs: 52-card pickup. In large-scale discovery, paper documents were supposed to be boxed and labelled, identifying specifically the requests they were responsive to. The trick was to shuffle the contents and re-box them at random, causing hundreds of hours to put them back in order. It wasted a lot of time and money, but it was expensive to prove, so it worked and was rarely sanctioned. After more than fifty years of using litigation like a medieval mace, Trump must know hundreds of these gambits.

As for insta-declassification by the TFG, if he did it, did he do it before or after he left office? And how would we know?

Reply

**P J Evans**

February 11, 2022 at 12:26 pm

Or did he do it at all? We wouldn't know, and he'd lie about it.

Reply

**Dave\_MB**

February 11, 2022 at 12:44 pm

Yes, that used to be common. Now they have electronic discovery and it's sorted and categorized. Both parties pay for a third party company to compile a database of documents and emails and they share the database, with different levels of access depending on who the information is from.

Reply



Reply

**Marinela**

February 11, 2022 at 12:49 pm

Declassifying after the Biden's inauguration doesn't count, right? He was not the president anymore.

Reply

**earlofhuntingdon**

February 11, 2022 at 1:01 pm

Yes, I think that once no longer in office, a former president loses his ability to classify and declassify government documents. So the minute Biden is sworn in, Trump's out of office and out of power.

Reply

**Rugger9**

February 11, 2022 at 1:08 pm

Indeed he was. However, that would make the question of when these boxes were sent to Mar-A-Lago very important. I would not be surprised to find out that some of them had been there for a while and the



access in a place known to have security issues.

Reply

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**Stew**

February 11, 2022 at 12:40 pm

Just wondering if search warrants could be issued for Trump properties to retrieve records that belong in Archives.

Reply

**Rugger9**

February 11, 2022 at 1:11 pm

Yes. The DoJ would need to know what to look for. Our lawyers here could pontificate on how much scope would be included when the warrants are drafted.

Reply

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